

November 27, 2006

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**BY HAND DELIVERY**

Mr. Lawrence H. Norton  
Office of the General Counsel  
Federal Election Commission  
999 E Street, NW  
Washington, DC 20463

Re: MUR 5833

Dear Mr. Norton:

On behalf of Friends of Sherrod Brown and Eileen Gallagher, as treasurer (collectively, the "Committee"), this letter is submitted in response to the complaint filed by the Ohio Republican Party against the Ohio Democratic Party, and subsequently labeled MUR 5833 (the "Complaint").

The Complaint does not allege that the Committee violated the Federal Election Campaign Act of 1971, as amended (the "Act") or any Commission regulations. Indeed, there are no facts alleged in the Complaint against the Ohio Democratic Party which, if proven true, would constitute a violation by the Committee. The Complaint concerns a mailing by the Ohio Democratic Party. The Committee was of course aware that the Ohio Democratic Party had a mail program. However, the Committee does not have any information to provide about the mailing referenced in the Complaint, other than that it features a picture of Sherrod Brown that the Committee would not have recommended the party use. For this reason, the Committee believes it is unlikely that any employees or agents of the Committee reviewed this piece prior to when the Ohio Democratic Party mailed it.

The Committee notes that the Complaint alleges violations by the Ohio Democratic Party relating to the procedural requirements for satisfying the volunteer exemption for party committees under 11 C.F.R. § 100.147. As the Commission is aware, supervision of party volunteers is the party's responsibility, not the candidate's. While the Committee understands the importance of compliance with the Act, it was not the Committee's nor any other candidate's responsibility to police the Ohio Democratic Party's mailings to make sure that all mailings disseminated by the Ohio Democratic Party complied with all requirements under the Act. For this reason, the Committee respectfully requests that it be dismissed as a respondent in this Complaint.

Thank you for your consideration in this matter.

Very truly yours,

*M. E. Elias*  
Marc E. Elias  
Counsel to the Committee

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